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EXAMINER				
A. PHU DIEU TRAN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/550,291

**Applicant(s)**

PEDRETTI, MAURO

**Examiner**

PHI D. A

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) 7, 8 and 10-12 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 9 and 13-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election with traverse of specie I to figures 1-3 and 8 to claims 1-6, 9, 13-18 in the reply filed on 5/8/09 is acknowledged. The traversal is on the ground(s) that species 2-4 share a same general invention concept as specie I. This is not found persuasive because the species 2-4 comprise of structures distinctly different from specie I. Although species 2-4 reinforce the tubular member, the finishing structures of the species 2-4 are different from that of specie I and the reinforcement of specie is works differently from that of species 2-4. The requirement is still deemed proper and is therefore made FINAL.

***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because applicant has not submitted a new set of drawings in the application besides the drawings in the WO 2004/083568 disclosure. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phrasology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-6, 9, 13-18 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1-16 of copending

Application No. 09/979647. Although the conflicting claims are not identical, they are not

patentably distinct from each other because the claims are rejectable by the scope of the claims 1-16 of application 09/979647.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 9, 13, 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Struble Jr. (3277479).

Struble Jr. (figures 2-4) shows a flexible pneumatic structural element comprising of an elongated air-tight hollow body that can be subjected to pressure; at least one pair of tight tension elements (12) is helicoidally looped around the hollow body in respectively opposite directions on each compression member; two node elements (figure 2) are provided respectively per compression member; the compression member being elastically bendable, has having a plate-like shape and-is rigidly connected to a shell; the compression member being flat and adapted to be rolled up in a deflated state of the pneumatic structural element; and the compression member being bent and essentially assuming a shape of a cylinder segment in an inflated, pressurized state of the pneumatic structural element such that the pressurized shell stabilizes the compression member in this shape, wherein a connection between the compression member and the shell is realized such that the stress of the shell is transmitted onto the compression member, the compression member is bonded to the shell or connected to the shell by means of welding over its entire surface, wherein the compression member increasingly unrolls and assumes its stretched, functional shape as the pressure being built up in the shell increases, wherein the compression member is designed such that its buckling load is increased,

wherein the compression member is composed of two plates that form the hollow body, wherein when the hollow body is subjected to a pressure  $P_1 > P_2$ , the compression member assumes a tubular shape, multiple compression members are arranged on the shell, wherein the two node elements can be attached to connecting elements, flexible pneumatic structural elements are connected by means of connecting elements, the pneumatic element structure is automatically erected and assumes a predetermined shape when the structural elements are subjected to pressure, the connecting elements for the flexible structural elements comprises means for mounting at least two node elements, mounting means that are realized such that the flexible pneumatic structural elements are arranged at a predetermined angle relative to one another in their functional shape.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Struble Jr. (3277479) in view of Delamare (6332290)

Struble shows all the claimed limitations except for the two node elements are provided with at least one eye through which a bolt of a non-rotatable mounting arrangement can be respectively inserted, wherein the connecting elements are provided with pairs of coaxial eyes between which one respective node element with an eye can be non-rotationally mounted by inserting a bolt, the connecting elements are provided with at least two upper and two lower

pairs of coaxial eyes, wherein the position of the upper pairs relative to the lower pairs defines an angle between the flexible pneumatic structural elements in their functional shape.

Delamare (figures 1, 5, 11) shows two elements are provided with at least one eye through which a bolt of a non-rotatable mounting arrangement can be respectively inserted, wherein the connecting elements are provided with pairs of coaxial eyes between which one respective node element with an eye can be non-rotationally mounted by inserting a bolt, the connecting elements are provided with at least two upper and two lower pairs of coaxial eyes, wherein the position of the upper pairs relative to the lower pairs defines an angle between the flexible pneumatic structural elements in their functional shape.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Struble's structures to show the two node elements are provided with at least one eye through which a bolt of a non-rotatable mounting arrangement can be respectively inserted. wherein the connecting elements are provided with pairs of coaxial eyes between which one respective node element with an eye can be non-rotationally mounted by inserting a bolt, the connecting elements are provided with at least two upper and two lower pairs of coaxial eyes, wherein the position of the upper pairs relative to the lower pairs defines an angle between the flexible pneumatic structural elements in their functional shape in order to provide for easy connection between the inflated structures as taught by Delamare.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different inflatable structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/  
Primary Examiner, Art Unit 3633

Phi Dieu Tran A

7/20/09